

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RANDOLPH S. TANGLE, )  
Plaintiff )  
v. ) Civil No. 05-114E  
CITY OF ERIE, et al., )  
Defendants )

**MEMORANDUM OPINION AND ORDER**

Plaintiff's Complaint was received by the Clerk of Court on April 13, 2005 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on January 13, 2006, recommended that: (1) the Motion to Dismiss filed by Defendants Sharon Winkler and Patrick Fetzner (Doc. #12) be granted; (2) the Motion to Dismiss filed by Defendants John Doe and Jim Muscarella (Doc. #16) be granted; and (3) pursuant to the authority granted to courts in the Prison Litigation Reform Act, Plaintiff's Complaint be dismissed for failing to state a claim upon which relief can be granted as against Defendant City of Erie.

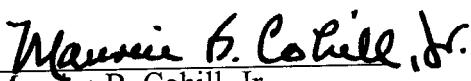
Objections to the Report and Recommendation were due on or before January 30, 2006. No objections were filed by the Plaintiff by January 30, 2006. After *de novo* review of the pleadings and documents in the case, together with the report and recommendation, the following Order is entered:

AND NOW, this 31st day of January, 2006, IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the Motion to Dismiss filed by Defendants Sharon Winkler and Patrick Fetzner (Doc. #12) and the Motion to Dismiss filed by Defendants John Doe and Jim Muscarella (Doc. #16) are GRANTED; and Plaintiff's Complaint against said Defendants is dismissed in its entirety;

It is further ORDERED, ADJUDGED and DECREED that, pursuant to the authority granted to courts in the Prison Litigation Reform Act, Plaintiff's Complaint against Defendant City of Erie is dismissed for failing to state a claim upon which relief can be granted.

The report and recommendation of Magistrate Judge Baxter, dated January 13, 2006, is adopted as the Opinion of this Court.

The Clerk of Courts shall mark this case "closed."



Maurice B. Cohill, Jr.  
United States District Court Judge